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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,072	03/05/2002	Thomas Joseph Moran	476-2098	6705
23644	7590	11/29/2005	EXAMINER	
BARNES & THORNBURG, LLP			PHU, SANH D	
P.O. BOX 2786			ART UNIT	
CHICAGO, IL 60690-2786			PAPER NUMBER	
			2682	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,072

Applicant(s)

MORAN ET AL.

Examiner

Sanh D. Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 8/18/05.

Claims 1, 3-9 and 11-20 are currently pending in this application, and claims 2 and 10 have been canceled.

Claim Rejections – 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 recites the limitation “A method as claimed in claim 10”. It is unclear on which claim that claim 11 is depended on since claim 10 was canceled.

Claim 15 recites the limitation “A user terminal as claimed in claim 10”. It is unclear on which claim that claim 15 is depended on since claim 10 was canceled.

Claims, depended on claim 11, are therefore also rejected.

Claim Rejections – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3–9 and 11–18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jarvi et al (20030069032) (previously cited).

–Regarding to claim 1, see figures 1 and 3–6 and sections [0016–0023], Jarvi et al discloses a method of automatically accessing a service provider (115, 325, 340) (see figures 1 and 3) on the basis of radio data system (RDS) information provided in a pre-specified format (e.g., in bit streams within 87.5–108 MHz in an auxiliary subchannel at a rate of approximately 1200–2400 bps,

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(see [0003, 0006])), and received as an encoded RDS data signal which is carried in conjunction with the normal encoded audio radio signal from a radio frequency broadcast (135) (see figure 1, [0003, 0024, 0025; said service provider being a contact center which comprises a contact routing mechanism (330, 350, 335, 340, 115) for receiving and routing incoming contacts ("service settings" and "commands" extracted from a captured RDS data stream (see [0023])), and a plurality of agents (inherently included in (115) wherein the agents are indicated as whether they are WAP browser, SMS-base services or WEB browser (see figure 3) to which said incoming contacts can be routed by said routing mechanism to enable said agents to responds to said contacts (see [0016, 0023, 0028], wherein said method comprises:

step (305) (see figure 3) of receiving said radio frequency broadcast using an RDS radio receiver and extracting said RDS information as "a captured RDS data stream" on the basis of said pre-specified format (see [0023]);

step (110) (see figure 3) of creating a message "captured RDS data stream" which includes "service settings" and "a command" on the basis of at least some of said RDS information (see [0023]);

step (110) (see figure 3) of sending said message to means (325, 330, 350, 335) of the contact center using either a pre-specified address or an address provided in the RDS information (see also figures 5 and 6, [0023, 0027, 0028).

step (330, 350, 335) of receiving said message at the contact center (see [0023]);

Step (330, 350, 335) of extracting said RDS information from the message (see [0023]); and

Step (330, 350, 335, 115) of routing the message to one of the plurality of contact center agents on the basis of said RDS information (see figures 1 and 3).

–Regarding to claim 3, Jarvi et al discloses that said message is sent to means (115) of the contact center inherently by using a medium via a service (see figures 1 and 3).

–Regarding to claim 4, Jarvi et al discloses that said medium is provided using wireless application protocol (WAP)(see section [0023]).

–Regarding to claim 5, Jarvi et al discloses that said RDS information comprises an identifier (see figure 5) which identifies a radio station which provided the radio frequency broadcast.

–Regarding to claim 6, Jarvi et al discloses that said RDS information comprises an identifier (see figure 5) associated with audio information provided by said radio frequency broadcast.

–Regarding to claim 7, Jarvi et al discloses that said identifier is associated with any one of a piece of music, an artist, an enterprise, or an advertisement (see figure 5).

–Regarding to claim 8, Jarvi et al discloses step (435, 445) (see figure 4) of presenting at least some of said extracted RDS information to a user and receiving an associated user input, and step (445, 450) (see figure 4) of creating the message such that it comprises information about the user input.

–Regarding to claim 9, Jarvi et al discloses that said information about the user input comprises any of a request for contact, a request for information associated with the RDS information in the message, or a request to order goods associated with the RDS information (see section [0004]).

–Regarding to claim 11, Jarvi et al discloses that said RDS information extracted from the message comprises information about the origination of the RDS information and wherein that information is stored in (310) (see figure 3, and sections [0018, 0020]).

–Regarding to claim 12, Jarvi et al discloses that said RDS information extracted from the message comprises information about the origination of the RIDS information and wherein that information is stored in (310) (see figure 3, and sections [0018, 0020]).

–Regarding to claim 13, Jarvi et al discloses that said information about origination comprises time information “today” (see figure 6).

–Regarding to claim 15, Jarvi et al discloses that the user terminal is a personal digital assistant (see figure 1 and 4, and section [0024]).

–Regarding to claim 14, see figures 1 and 3–6 and sections [0016–0023], Jarvi et al discloses a user terminal (110) (see figure 1) arranged to automatically access a contact center (115, 330, 350, 335, 340) (see figures 1 and 3) on the basis of radio data system (RDS) information provided in a pre-specified template format and received as an encoded RDS data signal which is

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carried in conjunction with the normal encoded audio radio signal from a radio frequency broadcast said user terminal comprising:

an RDS radio receiver (305) (see figure 3) arranged to receive said radio frequency broadcast and to extract said RDS information on the basis of said pre-specified template format;

a processor (inherently included in (110)) (see figure 3) arranged to create a message "captured RDS data stream" on the basis of at least some of said RDS information (see [0023]), whereby said RDS information allows the message to be routed by a routing mechanism (330, 350, 335, 340, 115) of the contact center to a suitable agent (inherently included in (115) wherein the agent is indicated as whether it is WAP browser, SMS-base service or WEB browser (see figures 1 and 3)) within the contact center, thereby enabling an agent to respond to said message (see figure 1 and 3, and [0016, 0023]);

an output (inherently included in (110)) (see figure 3) arranged to send said message to means (330, 350, 335) of the contact center using either a pre-specified address or an address provided in the RDS information.

–Regarding to claim 16, see figures 1 and 3–6 and sections [0016–0023], Jarvi et al discloses contact centre (115, 330, 350, 335, 340) (see figures 1 and 3) comprising at least one input arranged to receive messages “captured RDS data stream” comprising RDS information, a plurality of contact centre agents (inherently included in (115) wherein the agents are indicated as whether they are WAP browser, SMS–base services or WEB browser (see figures 1 and 3)) and a router (330, 350, 335, 340, 115) (see figures 1 and 3) arranged to route messages from the input to the contact centre agents and wherein said contact centre further comprises a processor (330, 350, 335) arranged to extract RDS information (e.g., SMS numbers, WAP addresses and URLs, commands) from the messages and wherein said router is arranged to route said messages to the contact centre agents at least partly on the basis of the extracted RDS information (see [0023]).

–Regarding to claim 17, Jarvi et al disclose a database (310) (see figure 3) wherein said RDS information extracted from the message comprises information about the origination of the RDS information and this information is stored in the database.

–Regarding to claim 18, Jarvi et al discloses communications network (see figures 1 and 3) comprising a contact centre (115, 330, 350, 335, 340).

Claim Rejections – 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvi et al.

–Regarding to claims 19 and 20, see figures 1 and 3–6 and sections [0016–0023] discloses a method for a contact centre (115, 3330, 350, 335, 340) (see figures 1 and 3) to perform:

step (330, 350, 335) of receiving messages “captured RDS data stream” comprising RDS information (see figure 3 and [0023]);

step (330, 350, 335) of extracting RDS information (e.g., SMS numbers, WAP addresses and URLs, commands) from the received messages (see [0023]); and

step (330, 350, 335, 115) of routing the messages to contact centre agents (inherently included in (115) wherein the agents are indicated as whether they are WAP browser, SMS-base services or WEB browser (see figures 1 and 3)) at least partly on the basis of the extracted RDS information (see [0023]).

Jarvi et al does not specifically disclose the method is implemented with a computer program, which is used to control the contact centre to perform to the method.

However, using a programmable processor, which is executed or run by a computer program stored in its computer readable medium (e.g., ROM, RAM), in order to control operations of a system is well-known in the art, and the examiner takes Official Notice.

It would have been obvious for a person skilled in the art to implement Jarvi et al method with a computer program and a programmable processor,

which is executed or run by the computer program stored in its computer readable medium, in order to control operations of the contact center to perform the method so that Jarvi et al system would be capable of programmable and operative in an automatically high-speed fashion.

Response to Arguments

8. Applicant's arguments filed on 8/18, with respect to claims 1, 14 and 16, have been fully considered. However, upon further considerations, the claims are deemed not allowable over Jarvi et al. because of the following reasons.

–Regarding claim 1 and 14, the claims, after amended, are deemed not overcome Jarvi et al. with reasons set forth above in this Office Action.

–Regarding claim 16, upon further considerations, Jarvi et al. are found still anticipating the limitations recited in the claim, wherein as being explained above in this Office Action, see figures 1 and 3–6 and sections [0016–0023], Jarvi et al discloses contact centre (115, 330, 350, 335, 340) (see figures 1 and 3) comprising at least one input arranged to receive messages “captured RDS data stream” comprising RDS information, a plurality of contact centre agents (inherently included in (115) wherein the agents are indicated as whether they

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are WAP browser, SMS-base services or WEB browser (see figures 1 and 3)) and a router (330, 350, 335, 340, 115) (see figures 1 and 3) arranged to route messages from the input to the contact centre agents and wherein said contact centre further comprises a processor (330, 350, 335) arranged to extract RDS information (e.g., SMS numbers, WAP addresses and URLs, commands) from the messages and wherein said router is arranged to route said messages to the contact centre agents at least partly on the basis of the extracted RDS information (see [0023]).

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571) 272-7857. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quochien Vuong can be reached on (571)272-7902.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Art Unit 2682

SP

 11/23/05

QUOCHIEN B. VUONG
PRIMARY EXAMINER